

1 Edward J. Loya, Jr. (State Bar No. 257346)
2 *eloya@venable.com*
3 VENABLE LLP
4 2049 Century Park East, Suite 2300
5 Los Angeles, CA 90067
6 Telephone: (310) 229-9900
7 Facsimile: (310) 229-9901

8 Jessie F. Beeber (Admitted *Pro Hac Vice*)
9 *jbeeber@venable.com*
10 Patrick J. Boyle (Admitted *Pro Hac Vice*)
11 *pboyle@venable.com*
12 VENABLE LLP
13 1270 Avenue of the Americas, 24th Floor
14 New York, New York 10020
15 Telephone: (212) 307-5500
16 Facsimile: (212) 307-5598

17 *Attorneys for Defendants Michael K. Sun and*
18 *Mohammed A. Al-Barwani*

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

19 SECURITIES AND EXCHANGE
20 COMMISSION,

21 Plaintiff,

22 v.

23 JAMMIN' JAVA CORP., dba
24 MARLEY COFFEE, SHANE G.
25 WHITTLE, WAYNE S. P.
26 WEAVER, MICHAEL K. SUN,
27 RENE BERLINGER, STEPHEN B.
28 WHEATLEY, KEVIN P. MILLER,
MOHAMMED A. AL-BARWANI,
ALEXANDER J. HUNTER, and
THOMAS E. HUNTER,

Defendants.

) Case No. 2:15-CV-08921-SVW-MRW
) Hon. Stephen V. Wilson
) **JOINT REQUEST TO EXTEND TIME**
) **TO RESPOND TO FIRST AMENDED**
) **COMPLAINT; DECLARATION OF**
) **PATRICK J. BOYLE IN SUPPORT**
) **THEREOF**
)
) Action filed: Nov. 17, 2015
) Mot. to Dismiss Granted: Jul. 21, 2016
) Amended Complaint Filed: Aug. 8, 2016
) Current Response Date: Aug. 25, 2016
) New Response Date: Sept. 8, 2016
) Trial date: April 25, 2017
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1 **TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:**

2 Plaintiff Securities and Exchange Commission (the “SEC”) and Defendants
3 Michael K. Sun (“Sun”) and Mohammed A. Al-Barwani (“Al-Barwani”), by and
4 through their respective counsel of record, hereby request as follows:

5 WHEREAS, the parties received notice that the Court granted Sun and Al-
6 Barwani’s Motions to Dismiss on July 21, 2016 (Dkt. No. 118);

7 WHEREAS, the SEC filed its First Amended Complaint (the “Amended
8 Complaint”) on August 8, 2016 (Dkt. No. 121);

9 WHEREAS, pursuant to Fed. R. Civ. P. 15(a)(3) and 6(d), Sun and Al-Barwani
10 must answer or otherwise respond to the Amended Complaint on or before August 25,
11 2016;

12 WHEREAS, there is good cause to extend Sun and Al-Barwani’s response date,
13 as Defendants Sun and Al-Barwani’s counsel have pre-existing conflicts in the
14 upcoming weeks that justify the allowance of additional time to assess and adequately
15 respond to the Amended Complaint’s allegations;

16
17 NOW THEREFORE, the SEC, Sun and Al-Barwani respectfully request that
18 the Court enter an order extending Sun and Al-Barwani’s time to respond to the
19 Amended Complaint until September 8, 2016.

20
21 SO STIPULATED:

1 Pursuant to Local Rule 5-4.3.4(a)(2)(i), I hereby attest that Timothy S. Leiman,
2 counsel for Plaintiff U.S. Securities and Exchange Commission concurs in the content
3 of this filing and has authorized the filing.

4

5 Dated: August 16, 2016

By: /s/ Patrick J. Boyle

6 Patrick J. Boyle (Admitted *Pro Hac Vice*)
7 Jessie F. Beeber (Admitted *Pro Hac Vice*)
8 VENABLE LLP
9 1270 Avenue of the Americas, 24th Floor
10 New York, New York 10020
11 Telephone: (212) 307-5500
Facsimile: (212) 307-5598
pboyle@venable.com
jbeeber@venable.com

12 Edward J. Loya, Jr. (State Bar No. 257346)
13 VENABLE LLP
14 2049 Century Park East, Suite 2300
15 Los Angeles, CA 90067
16 Telephone: (310) 229-9900
Facsimile: (310) 229-9901
eloya@venable.com

17 *Attorneys for Defendants Michael K. Sun and*
18 *Mohammed A. Al-Barwani*

19 Dated: August 16, 2016

20 By: /s/ Timothy S. Leiman

21 Timothy S. Leiman
U.S. Securities and Exchange Commission
22 Chicago Regional Office
175 W. Jackson Blvd., Suite 900
23 Chicago, Illinois 60604
Telephone: (312) 353-7390
24 Fax: (312) 353-7398
leimant@sec.gov

25 *Attorney for Plaintiff U.S. Securities and Exchange*
26 *Commission*

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DECLARATION OF PATRICK J. BOYLE

I, Patrick J. Boyle, declare as follows:

1. I am an attorney licensed to practice in the states of New York and New Jersey and admitted *pro hac vice* to practice before this Court. I am a partner at the law firm Venable LLP, counsel for Defendants Sun and Al-Barwani in the above-captioned action. I have personal knowledge of the facts set forth herein, and if called to testify as a witness thereto, could do so competently under oath;

2. Counsel for Defendants Sun and Al-Barwani have pre-existing conflicts in the upcoming weeks including, but not limited to, vacations and out-of-state depositions.

3. On August 11, 2016 I conferred with Timothy Leiman, counsel for plaintiff the U.S. Securities and Exchange Commission, and we agreed that there is good cause to extend Defendants Sun and Al-Barwani's response date to September 8, 2016 so that Defendants' counsel may adequately assess and respond to the Amended Complaint.

Executed on August 16, 2016 in New York, New York

/s/ Patrick J. Boyle

Patrick J. Boyle